

**IN THE UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF MASSACHUSETTS**

HARRY G. SCHORTMANN, JR. PRO SE)	
JACQUELINE SCHORTMANN PRO SE ,)	
)	
Plaintiffs,)	
)	
v.)	Civil No. 04-11011-MLW
)	
INTERNAL REVENUE SERVICE OF)	
THE UNITED STATES GOVERNMENT,)	
)	
Defendant.)	

JOINT STATEMENT PURSUANT TO MASSACHUSETTS LOCAL RULE 16.1(D)¹

Pursuant to the Court's Notice of Scheduling Conference, the parties, by and through undersigned counsel and plaintiffs appearing in pro se, submit the following joint statement:

1. The parties believe that a pretrial schedule should be discussed at the scheduling conference set for May 2, 2005 on the suit brought against the United States.
2. Plaintiffs' Statement: Whereas, the defendant has intentionally withheld information and has not acted in a timely manner, the plaintiffs request six months for discovery with a discovery deadline of November 2, 2005. The plaintiffs assert that the matter in dispute falls within the scope of U.S.C. § 1346 (a) (1) and is a matter of fact for a jury to decide.

¹ The United States asserts that jurisdiction is proper in this court only to the extent that the amount claimed by the plaintiffs in this matter, is less than \$10,000.00. See 18 U.S.C. § 1346 (a) (2). On April 13, plaintiffs filed an amended complaint seeking \$156,000.00 in damages. As a result, the United States will move to dismiss or transfer the proceeding. This joint statement is being submitted so that the parties are in compliance with the Notice of Scheduling Conference issued on March 10, 2005.

United States' Statement: The United States requests three months to complete discovery. The United States does not anticipate a need for extended discovery in this case as the primary issue is whether the Internal Revenue Service refunded the proper amount of interest pursuant to a settlement agreement entered into on May 27, 1999 with the plaintiffs. Inasmuch as the computation of interest is a matter of law, prescribed by statute, the United States further anticipates that this action will likely be resolve on motions for summary judgment. The United States' proposed discovery deadline would therefore be August 2, 2005.

3. The parties agree that thirty days after the close of discovery is an appropriate deadline for the filing all dispositive motions. As a result, the United States' proposed dispositive motion deadline would be September 2, 2005, and the plaintiff's proposed dispositive motion deadline would be December 2, 2005.
4. The parties will file separate certifications as required by Local Rule 16.1 (d) (3).

AGREED:

United States of America
Defendant:

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